

9 Transcript of excerpt of testimony of
10 NORMAN RHOADES
February 5, 2018

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1 THE COURT: All right. Does the
2 Government have its next witness or evidence?

3 MR. CASTELLANO: Yes, Your Honor. The
4 United States calls Norman Rhoades.

5 THE COURT: Mr. Rhoades, if you'll come up
6 and stand next to the witness box on my right, your
7 left, before you're seated Ms. Standridge, my
8 courtroom deputy, will swear you in.

9 NORMAN RHOADES.

10 after having been first duly sworn under oath,
11 was questioned, and testified as follows:

12 THE CLERK: Please be seated. State and
13 spell your name for the record.

14 THE WITNESS: My name is Norman Rhoades.

15 | THE COURT: Mr. Rhoades.

16 Mr. Castellano.

17 MR. CASTELLANO: Thank you, Your Honor.

18 May I have a moment? I need to make an arrangement
19 for the introduction of some of these exhibits.

20 DIRECT EXAMINATION

21 BY MR. CASTELLANO:

22 Q. Good morning.

23 A. Good morning.

24 Q. Please introduce yourself to the members
25 of the jury.

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1 A. My name is Norman Rhoades.

2 Q. What do you do for a living?

3 A. I'm employed with the New Mexico State
4 Police.

5 Q. And can you tell us a little bit about
6 your training and experience?

7 A. I've been employed with the State Police
8 for -- I just passed my 37th year last December.

9 Currently I'm assigned to our full-time Crime Scene
10 Unit. I started in that position in 2005 when they
11 went full-time Crime Scene Unit.

12 Q. All right. What did they do before they
13 made the Crime Scene Unit in 2005?

14 A. Prior to that we -- I was assigned to
15 investigations after I spent some time on patrol.
16 And in those days, we carried a caseload, but we
17 also did our own crime scene processing. So we kind
18 of had dual responsibilities.

19 Q. And what other positions have you held in
20 the New Mexico State Police?

21 A. Well, like I say, I spent about 18 years
22 and some on the highways in uniform. Then I went
23 into investigations. I've been involved with
24 training and I was, years ago, assigned to our bomb
25 unit, our bomb team, and then I was a field training

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1 officer. Various positions like that.

2 Q. What do field training officers do?

3 A. They're assigned to -- and this is several
4 years ago. Procedures have changed now. But in
5 those days, field training officers were assigned to
6 ensure that each commissioned officer within a
7 district had received the required amount of
8 training. And that requirement was set by the Law
9 Enforcement Academy.

10 THE COURT: Mr. Castellano, we've been
11 going for a while. Would this be a good time for us
12 to take our break?

13 MR. CASTELLANO: Yes, Your Honor.

14 THE COURT: All right. Let's take a
15 recess for about 15 minutes. All rise.

16 (The jury left the courtroom.)

17 THE COURT: All right. I guess the Dona
18 Ana County Detention Center advises the best they
19 can do is check Mr. Perez' vitals and give him Pepto
20 Bismol. Health services administration advises it
21 is best Mr. Perez be taken to the ER to be tested
22 for the flu and given better meds for diarrhea than
23 Pepto Bismol and possibly an IV to rehydrate him.
24 The Marshal Service can get Mr. Perez to the
25 hospital over the lunch, so what we'll do, we'll

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1 take a 15-minute break. We'll go the morning and
2 then we'll take a little bit earlier break if we can
3 get in and out pretty quickly, and get him to an ER
4 during the lunch hour, and we'll just have to wait
5 and see how long it takes.

6 MR. VILLA: Yes, sir. I've been privy to
7 those emails from Mr. Castro. I'd also ask him to
8 call ahead to the ER, and assuming they don't have
9 any more serious emergencies, let them know that his
10 health does not seem to be improving. It seems to
11 be the same or getting worse.

12 THE COURT: If you want to call ahead,
13 tell them we'll take a break about 11:45. Get him
14 over there. Fifteen minutes. And then we'll just
15 wait.

16 THE MARSHAL: Will do, Your Honor.

17 MR. VILLA: Thank you, Judge.

18 (The Court stood in recess.)

19 THE COURT: Ready to go? All rise.

20 (The jury entered the courtroom.)

21 THE COURT: All right. Everyone be
22 seated.

23 All right, Mr. Rhoades, I'll remind you
24 that you're still under oath.

25 Mr. Castellano, if you wish to continue

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1 your direct examination of Mr. Rhoades, you may do
2 so at this time.

3 MR. CASTELLANO: Thank you, Your Honor.

4 THE COURT: Mr. Castellano.

5 BY MR. CASTELLANO:

6 Q. What is your current rank or title?

7 A. Agent.

8 Q. Agent Rhoades, what types of training have
9 you had in processing crime scenes?

10 A. I've had training in various disciplines
11 of crime scenes, including bloodstain pattern
12 analysis, crime scene reconstruction, shooting scene
13 reconstruction, latent prints, evidence
14 identification, collection, preservation. Just a
15 lot of various types of things that deal with crime
16 scene processing.

17 Q. What's the importance of trying to
18 minimize the number of people who walk through a
19 crime scene?

20 A. Primarily for cross-contamination of
21 evidence.

22 Q. So in other words, if you minimize the
23 number of bodies, you minimize the chances that
24 there will be cross-contamination of what's in the
25 crime scene?

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1 A. That's correct.

2 Q. Were you on duty on March 7, 2014?

3 A. Yes, I was.

4 Q. What were your responsibilities on that
5 day?

6 A. On that day I was again assigned to the
7 Crime Scene Unit.

8 Q. Do you recall getting called out to the
9 Southern New Mexico Correctional Facility in Las
10 Cruces?

11 A. Yes, I do.

12 Q. Why were you called out there?

13 A. I was called out to process a crime scene
14 inside one of the units involving a death
15 investigation.

16 Q. So given your position as a crime scene
17 investigator, what would your responsibilities be on
18 that occasion?

19 A. I would get an idea of what the crime
20 scene consisted of so I would know what to take out
21 to the units and as far as things I would need. And
22 that's dealing with the type of evidence that would
23 be available. And at that point, then, I load
24 everything into my unit. We have a crime scene
25 truck that has all of our supplies, but for scenes

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1 out at the correctional facilities, I don't take the
2 truck, because usually we're escorted back inside.
3 So I try to get everything I can just to make one
4 trip in.

5 Q. And what was the process you intended to
6 use to collect evidence on that occasion?

7 A. Well, for the items that we took in for
8 evidence collection and identification would be, of
9 course, our camera, things dealing with the
10 collection of blood; sharp, pointed instruments;
11 then, of course, collection bags and stuff for any
12 other types of larger type of evidence.

13 Q. And once you got to the facility, what did
14 you consider your crime scene?

15 A. Once I got the briefing and a walk through
16 the crime scene, it was pretty much within a pod.
17 There was three pods within this unit, and the scene
18 was inside one pod.

19 Q. I'm going to show you what's been admitted
20 previously as Government's Exhibit 13. Do you
21 recognize that exhibit, Agent Rhoades?

22 A. It appears to be an aerial view of the
23 correctional facility.

24 Q. Let me now turn your attention --
25 actually, before I introduce the next exhibit, or

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1 introduce an exhibit, did you take photographs in
2 this case, you or somebody with you?

3 A. Someone with me did.

4 Q. Can you tell us the process by which
5 photographs were taken?

6 A. The process is to take overview
7 photographs of the exterior part of a crime scene,
8 and work our way in to medium shots, and then
9 ultimately close-up or macro shots.

10 Q. And ideally, when you're processing a
11 scene, do you try to take a photograph of evidence
12 as you first find it before it's disturbed at all or
13 processed?

14 A. As we find it, yes.

15 Q. What's the purpose of doing that?

16 A. We want to show what the scene was when we
17 got there.

18 Q. And then as you process the scene and move
19 things around, do you then sometimes take additional
20 photographs?

21 A. Yes, we do.

22 Q. Who was the person taking pictures on this
23 occasion?

24 A. On this occasion it was, at the time, Chad
25 Casson, who was assigned to our crime scene unit.

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1 Q. And as he took photographs, did you move
2 through the scene together and allow him to take
3 photographs while you were there processing the
4 scene?

5 A. Yes.

6 Q. Before trial, have you had a chance to
7 look at the photographs and can you tell the members
8 of the jury if the ones we're going to introduce are
9 a fair and accurate depiction of what you saw on or
10 about March 7, 2014?

11 A. Yes, I did and I can.

12 Q. I'm going to show you in a second here
13 Government's Exhibit 14, and actually with the
14 Court's permission I'll move the admission of
15 Government's Exhibit 14.

16 THE COURT: Any objection from the
17 defendants?

18 MR. VILLA: No objection.

19 MS. BHALLA: No objection.

20 THE COURT: Not hearing any objection --
21 Mr. Jewkes?

22 MR. JEWKES: No objection.

23 THE COURT: Government Exhibit 14 will be
24 admitted into evidence.

25 (Government Exhibit 14 admitted.)

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1 MR. CASTELLANO: Thank you, Your Honor.

2 BY MR. CASTELLANO:

3 Q. Looking at Government's Exhibit 14, is
4 that basically a diagram of the aerial view we just
5 saw on Government's Exhibit 13?

6 A. It appears to be, yes.

7 Q. On Government's Exhibit 14 I'm going to
8 put a circle around the lower left-hand corner of
9 the scene. There are two buildings labeled 1-A and
10 1-B. Do you recall if you responded to that area of
11 the prison?

12 A. Yes, I did.

13 Q. And you mentioned, for example -- I'm
14 going to circle building 1-A -- you mentioned there
15 was a building with three pods contained inside. Is
16 that what you were discussing?

17 A. Yes.

18 Q. So this building here, 1-A, has three pods
19 contained within?

20 A. Yes, it does.

21 Q. And when you processed the scene, did you
22 process only one pod, or did you process multiple
23 pods?

24 A. Only one pod in this case is where the
25 evidence was located at.

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1 Q. And so you kind of answered that question
2 but why did you only process one pod at that time?

3 A. To my understanding at the time, nothing
4 occurred in any of the other two pods or any of the
5 other units.

6 Q. So at that time, did you have any
7 indication that there is any involvement from anyone
8 or anything in the other two pods within that
9 building?

10 A. No.

11 Q. Let me turn your attention now to
12 Government's Exhibit 16.

13 MR. CASTELLANO: And I move the admission
14 of Government's Exhibit 16, Your Honor.

15 THE COURT: Any objection from the
16 defendants?

17 Not hearing any objection from the
18 defendants, Government's Exhibit 16 will be admitted
19 into evidence.

20 (Government Exhibit 16 admitted.)

21 BY MR. CASTELLANO:

22 Q. Looking at Exhibit 16, what can you tell
23 us about that door?

24 A. This is the photo image of the exterior
25 side of the entrance into unit 1-A.

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1 Q. And what do you see once you enter that
2 first door labeled "1-A"?

3 A. From here when you step through that door,
4 you enter an alternate area that has three doors
5 that go into the other three pods. And then right
6 directly above you is the office area where the
7 observation correctional officer is stationed.

8 Q. I'm going to show you what's already been
9 admitted as Government's Exhibit 15. Now, you
10 mentioned you moved through the 1-A door and you
11 have three other doors, one for each pod; is that
12 correct?

13 A. Yes.

14 Q. And in this exhibit what are we looking
15 at?

16 A. This will be a photo image of the exterior
17 side of the B pod.

18 Q. And during your time there, did you also
19 learn that B pod was known as the blue pod?

20 A. Yes.

21 Q. And did this become basically your crime
22 scene?

23 A. Yes.

24 MR. CASTELLANO: At this time, Your Honor,
25 just to move things along a little bit I'm going to

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1 move en masse groups of photos starting with
2 Government's Exhibit 17 to Government's Exhibit 24.

3 THE COURT: 17 through 24?

4 MR. CASTELLANO: Yes, sir.

5 THE COURT: Any objections to those from
6 the defendants?

7 MR. VILLA: No, Your Honor.

8 MR. MAYNARD: No, Your Honor.

9 MR. JEWKES: No, Your Honor.

10 THE COURT: Not hearing any, Government's
11 Exhibits 17 through 24, inclusive without gaps, will
12 be admitted into evidence.

13 (Government Exhibits 17 through 24
14 admitted.)

15 BY MR. CASTELLANO:

16 Q. Agent Rhoades, I next want to turn your
17 attention to Government's Exhibit 17. What are we
18 looking at there?

19 A. This is standing outside in the entry room
20 and looking to the doorway of the B pod.

21 Q. So this is what you first saw when you
22 opened that B pod door?

23 A. Yes, it is.

24 Q. In the lower left-hand corner, it looks
25 like there is something on the ground and on the

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1 wall. Do you know what that is or what it was later
2 revealed to be?

3 A. Blood.

4 Q. Also on that exhibit you see some stairs
5 straight ahead. Tell us about the layout of the
6 pod.

7 A. The pod has two levels, an upper and lower
8 level, and walkways that lead into -- I believe
9 there's eight cells on the upper level and eight
10 cells on the lower level. So what this image is
11 showing is the steps going up to the upper level.

12 Q. Next is Exhibit 18. What are we looking
13 at there?

14 A. This is an image through the entrance of
15 the pod and the camera is panned a little bit to the
16 right of those steps, again just showing an
17 overview.

18 Q. From the photograph, it looks like it's
19 dark inside the pod. Is that just lighting? Or
20 what can you tell us about that?

21 A. I think that was from the flash not
22 getting in through the doorway and illuminating a
23 lot of the interior.

24 Q. About what time were you called out to the
25 prison?

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1 A. I was called -- notified at around 6:00
2 p.m. And I believe I got out there around 8:00,
3 8:00 p.m.

4 Q. In March, do you recall if it was getting
5 dark at that time?

6 A. No, I don't.

7 Q. And if you recall, approximately what time
8 did you start actually processing the pod as a
9 scene?

10 A. I believe it was around 8:00. Let's see.
11 Let me think here. 8:00 or 9:00. There was a
12 briefing before I actually got into the pod.

13 Q. What's the need for the briefing once you
14 arrived?

15 A. Helps us to kind of get an overview of
16 what type of evidence and a little bit of primarily
17 of what was learned of the investigation. So it
18 kind of helps us to have an understanding of what
19 we're going to be confronted with in a crime scene.

20 Q. At the point that you entered the pod,
21 were there any inmates in there?

22 A. No.

23 Q. Do you know whether they were moved
24 somewhere else?

25 A. Yes, they were.

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1 Q. Let's take a look at number 19 next. And
2 what is that?

3 A. This is a photo image of the -- again,
4 standing out into the entryway photographing inside
5 the B pod, and again, panned over slightly to the
6 right.

7 Q. Let's look at Government's Exhibit 20,
8 please. Okay. Same question. What is this a
9 photograph of?

10 A. This is a photograph now taken from inside
11 the pod, and it's an overview of the steps and it
12 shows part of the upper-level areas, upper and lower
13 areas. Sorry.

14 Q. I'm circling in Exhibit 20 what appears to
15 be a trash can of some sort. First of all, is this
16 a trash can?

17 A. Yes, it is.

18 Q. Did that later become relevant to your
19 investigation?

20 A. Yes, it did.

21 Q. Okay. Next is Exhibit 21. Is that just a
22 larger picture of the pod itself?

23 A. Yes, it is.

24 Q. And once again, are you just trying to get
25 a layout of the pod before you actually start to

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1 look closer for evidence of crime?

2 A. That's correct. Overview photos.

3 Q. Exhibit 22, same question.

4 A. This is an overview of the pod, again
5 panning around to the right; shows the steps and the
6 upper and lower level.

7 Q. Let's look next at Exhibit 23.

8 A. And this is also an overview of the pod,
9 panning slightly to the right, again showing both
10 levels.

11 Q. And Exhibit 24?

12 A. This is going to be panning a little bit
13 to the right from the last photo image and this is
14 going to show a microwave. There is a TV screen and
15 looks like books, telephone, some other -- this is
16 part of the day area, I think they called it.

17 Q. Okay. This time I'm going to look at the
18 next group of pictures, Government's Exhibits 25
19 through 37.

20 MR. CASTELLANO: And at this time the
21 Government moves the admission of Government's
22 Exhibit's 25 through 37.

23 THE COURT: Any objection from the
24 defendants?

25 MS. DUNCAN: No, Your Honor.

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1 THE COURT: Not hearing any objection,
2 Government's Exhibits 25 through 37 inclusive
3 without gaps will be admitted into evidence.

4 (Government Exhibit 25 through 37
5 admitted.)

6 BY MR. CASTELLANO:

7 Q. Agent Rhoades, I'm going to show you
8 Exhibit 25. What's the idea behind this photograph?

9 A. This is going to be an overview, and again
10 panned a little bit to the right from the last
11 image. It's showing the telephone, and that door is
12 a storage closet for -- I think they had, like, mops
13 and stuff like that in there.

14 Q. I'm circling an object at the top of this
15 exhibit. Do you know what that is?

16 A. Yes, I do.

17 Q. What is it?

A. That's a surveillance or video camera.

19 Q. Was it your understanding that there was
20 at some point video produced from one or more of
21 these cameras?

22 A. Yes, I do.

23 Q. And do you recall how many different views
24 you get from the camera or camera angles?

25 A. No, I don't.

1 Q. Next is Exhibit Number 26. What is that?

2 A. This is going to be an overview of the
3 inside of the entrance into the B pod. It's kind
4 of -- it's a side view of it.

5 Q. Government's Exhibit 26. If you go
6 through that door and turn to the left, are you
7 exiting the pod?

8 A. Yes, you are.

9 Q. I'm again circling something on the floor
10 in Government's Exhibit 26. What is that?

11 A. That's blood.

12 Q. Turning next to Exhibit 27, what are we
13 looking at there?

14 A. This is an overview of the lower-level
15 cell doors. You can see the steps, so these would
16 be kind of under the steps.

17 Q. And Exhibit 28. In this exhibit here, it
18 appears that there are some tables here in the open
19 area. Is this the scene, once again, as you found
20 it when you entered the pod?

21 A. Yes, it is.

22 Q. I'm circling some items on the table. If
23 you recall, do you remember what these two items are
24 on this middle table in that exhibit?

25 A. I believe they were playing cards.

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1 Q. And from your processing of the scene, did
2 those appear to have any significance?

3 A. No.

4 Q. Next is Exhibit 28.

5 A. This is an overview of the day area as
6 well as the lower cells.

7 Q. And next is Exhibit 30.

8 A. This is the entrance to cell 105.

9 Q. Do you know whose cell that was?

10 A. I believe it was assigned to Javier
11 Molina.

12 Q. As you were processing the scene, would
13 you try to take a picture of the outside of the cell
14 so that the rest of the pictures that followed,
15 you'd know it was pictures from the inside of the
16 cell?

17 A. Yes.

18 Q. Was that the idea?

19 A. Yes.

20 Q. Okay. Let me hand you next Exhibit 31.
21 In this exhibit there appears to be an L-shaped
22 ruler. What would you call that?

23 A. They call it an L scale. ABFO I think is
24 the proper name for it. And it's in units of
25 measurements from millimeters and centimeters.

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1 Q. What's the purpose of using something like
2 this in processing a scene?

3 A. We want to use this type of a scale and
4 take a photo image perpendicular so that any size or
5 dimensions can be accurately studied or reproduced,
6 mostly for lab analysis or some type of analytical
7 work.

8 Q. Was there anything you were trying to
9 capture in Exhibit 31 that you recall?

10 A. Just noticed some scratch marks and
11 disturbances on the floor.

12 Q. And at this point in the investigation,
13 what significance might that have had to you?

14 A. At that time we weren't really sure. It
15 could have been from a struggle or some type of
16 movement.

17 Q. Turning to Exhibit 32, same question.
18 What are you trying to look for in an exhibit like
19 this?

20 A. This is similar to the previous
21 photograph. It shows disturbance and scratch marks,
22 some gouges, it looks like, in the floor.

23 Q. I'm going to circle something toward the
24 top center of the screen. It looks like possibly a
25 horizontal line of some sort. Are those the types

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1 of things you're looking for?

2 A. Yes.

3 Q. What might that mean to you?

4 A. Well, again, just some type of a movement
5 scraping across the surface of the floor. In this
6 picture we also have what could be a hair or a
7 fiber.

8 Q. On your screen, could you go ahead and
9 touch the area you're talking about? Is it within
10 that same circle?

11 A. Yes, it is.

12 Q. And what significance might that have for
13 investigation?

14 A. Again, it's just documenting not just this
15 one area, but the area within the view of that
16 scale. Scratching or movement in that area of the
17 floor.

18 Q. Next is Exhibit 33. Does Exhibit 33
19 capture anything in addition to what you've already
20 discussed with us?

21 A. I'm not seeing anything different.

22 Q. Exhibit 34?

23 A. Exhibit 34, on the top, you can begin to
24 see maybe some indication of footwear impression.

25 Q. If you can, can you please circle that?

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1 A. (Witness complies.)

2 Q. And what significance would that have to
3 you in processing the scene?

4 A. It would be documentation of footwear
5 impression for any type of a footwear pattern
6 analysis that the lab may be able to conduct with a
7 submitted standard, of course.

8 Q. So if you have an occasion, there might be
9 basically a footprint in there. Would it help you
10 to collect other inmates' shoes to compare to
11 something like a pattern like this?

12 A. Yes, it would.

13 MR. CASTELLANO: For the record, the
14 witness has circled the top center of the screen.

15 THE COURT: The record will so reflect.

16 BY MR. CASTELLANO:

17 Q. Exhibit 35. Same question. Anything else
18 of significance that you see here?

19 A. Not that I'm seeing, no.

20 Q. Next is Exhibit 36. What is it that you
21 notice about this photograph?

22 A. In this photograph we're documenting gouge
23 marks in the floor. They seem deeper. And it looks
24 like a couple of gouge or chip marks.

25 Q. What might that mean to you?

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1 A. Well, something heavy, or with a lot of
2 force or energy struck that surface to chip that out
3 or to gouge whatever that concrete surface or
4 whatever it's made out of occurred.

5 Q. Next is Exhibit 37. What do you see in
6 this photograph?

7 A. This photo image shows more of the scratch
8 marks but in the upper portion of the photo it shows
9 blood drips.

10 Q. I'm going to circle two darker spots
11 toward the top of this image. Are those what you're
12 talking about when you say "blood drips"?

13 A. Yes.

14 Q. Was it your belief at that time that that
15 was blood?

16 A. Yes.

17 MR. CASTELLANO: The next set of exhibits
18 are Government's 38 through 51. Your Honor, the
19 United States moves the admission of Government's
20 Exhibits 38 through 51.

21 THE COURT: Any objection from the
22 defendants?

23 MR. VILLA: No, Your Honor.

24 MR. JEWKES: No, Your Honor.

25 THE COURT: Not hearing any objection,

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1 Government's Exhibit's 38 through 51 inclusive
2 without gaps are admitted into evidence.

3 (Government Exhibits 38 through 51
4 admitted.)

5 BY MR. CASTELLANO:

6 Q. Just so it's clear, since we haven't seen
7 a picture of another door, is it your understanding
8 these are photographs inside of Javier Molina's
9 cell?

10 A. Yes.

11 Q. Let's turn next to Government's Exhibit
12 38. Now, on this image it looks like the L-shaped
13 ruler is still on the floor. Can you tell us
14 whether or not that's the same area that we looked
15 at in the previous photographs with at least a
16 couple of spots of blood?

17 A. Yes, it is.

18 Q. Now, I'm circling the L on that screen,
19 and within that circle do you see a number of drops
20 of something?

21 A. Yes, I do.

22 Q. What is that?

23 A. They're going to be drops of blood.

24 Q. The same question as before: When you
25 take this photograph -- or Agent Casson, who is with

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1 you -- do you try to capture the scene as it was
2 when you entered the cell?

3 A. That's correct.

4 Q. Next is Exhibit 39. Same question.

5 Within this L, are we now looking at multiple drops
6 of what appear to be blood?

7 A. Yes.

8 Q. And the same question as before. Does
9 this ruler now help you measure the size of the
10 drops of blood, if necessary?

11 A. Yes, it does, as well as the distance
12 between each drop.

13 Q. Next is Exhibit 40. What are we looking
14 at in this exhibit?

15 A. This is going to be an overview. The
16 green bag and those items are on top of the clothes
17 hamper.

18 Q. Anything else of significance, or is this
19 just to show what's in that room?

20 A. Yes, it's just an overview of how the room
21 was when we walked in.

22 Q. Take a look at Exhibit 41. Anything else
23 you see there?

24 A. It's just showing, of course, the scale
25 with the drips of blood, and the work -- or bench or

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1 desk.

2 Q. Okay. Now let's turn to Exhibit 42. If
3 you can tell from that picture, what are we looking
4 at?

5 A. We're looking at a cast-off bloodstain.

6 Q. What is a cast-off bloodstain?

7 A. That's going to be a bloodstain put into
8 free flight, and then it comes into contact with the
9 surface, usually, then it becomes an elliptical
10 shape.

11 Q. From your training and experience, do you
12 know how drops like that are created?

13 A. By being flung off of a bloody object.

14 Q. In other words, if there is something on
15 the object and the object is moved, does it then, as
16 you stated, fling something in the air?

17 A. Yes, if you have a bloody object, you
18 swing back and you stop. The blood then will
19 continue off of that object, creating a cast-off
20 pattern.

21 Q. From this particular picture, can you tell
22 where this is in the cell?

23 A. This is going to be on a vertical part of
24 the wall, right near that bench that was in the
25 previous image.

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1 Q. Let's take a look at 43. That may help
2 out a little bit. Okay. Now, do we have an idea --
3 in this picture, it looks like there is a corner.
4 I'm highlighting a corner here. Is this the corner
5 of a wall and the ground underneath?

6 A. Yes, it is.

7 Q. And in Exhibit 43 is this the same
8 cast-off pattern you previously talked about?

9 A. Yes, it is.

10 Q. Looking at Exhibit 44, is this the same
11 blood or different blood in a different part of the
12 cell?

13 A. It's a different bloodstain in a different
14 part of the cell.

15 Q. And next is Exhibit 45. Looks like in
16 this photograph toward the center there is
17 another -- I'll call it just the L ruler. What are
18 you measuring there or what are you trying to show?

19 A. It's hard to tell in this. This is an
20 overview inside and an orientation to the location
21 of that scale. In this image it's hard to tell.
22 I'm seeing what appear to be gouge marks on the
23 floor.

24 Q. Let's take a look at Exhibit 46. Now, on
25 46, does this appear to be what you were trying to

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1 measure in 45 or using that for reference?

2 A. Actually, when you get down toward the L
3 part of the scale, you can see a bloodstain on the
4 floor.

5 Q. Can you circle that for us, please? You
6 made a circle towards where the L is, where the
7 perpendicular lines are in the L; is that correct?

8 A. Yes.

9 Q. Did you also believe that to be blood?

10 A. Yes.

11 Q. Next is Exhibit 47. What are we looking
12 at in this exhibit?

13 A. This is an image when you walk into the
14 pod, you can see the bottom parts of the steps, and
15 you can see toward the left side would be the
16 entrance to the pod.

17 Q. So for reference, if you went towards this
18 and turned left, you could walk out of the pod?

19 A. Yes.

20 Q. Actually, I'll show you the next picture.
21 Do you see there is an L here? Let me go back one
22 more to 47. I'm circling the L on the floor. Once
23 you take that picture, do you then try to take a
24 closer picture so we know where this was taken
25 within a room?

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1 A. Yes, we do.

2 Q. I'm also circling towards the left three,
3 I'll call them, smudges: Two on the wall and one on
4 the floor. Do you recall what those were?

5 A. Yes, I do. Blood.

6 Q. Based on your investigation, whose blood
7 did you believe that to be?

8 A. Mr. Molina's blood.

9 Q. Turning now to Exhibit 48, is this a
10 closer picture of what we saw in 47 with the L on
11 the ground?

12 A. Yes, it is.

13 Q. And the same question. What are you
14 trying to capture here?

15 A. We are photographing those drips of blood.

16 Q. For the record, I'm circling what appear
17 to be circles in this exhibit. Are those what you
18 believe to be drops of blood?

19 A. Yes.

20 Q. Okay. Turning to Exhibit 49, is this what
21 you mentioned in the other photograph is blood on
22 the floor and the wall?

23 A. Yes.

24 Q. Next is Exhibit 50. In the previous
25 picture you had the L on the ground. Is this the

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1 same L now measuring a blood smear?

2 A. Yes, it is.

3 Q. What term would you use for that type of
4 blood pattern, if there is a term?

5 A. Actually there are several events within
6 there. One bloodstain. You have a pooling of
7 blood. You have what appears to be a drip into drip
8 of blood that's causing a pool. And then you have a
9 smear, and you have what appears to be capillary
10 action, which is an object placed in blood, then
11 pulled away from it, so you have a distinct pattern
12 created after that's done.

13 Q. Next is Exhibit 51. What have you done in
14 this picture?

15 A. We placed the L scale on the vertical
16 portion of the wall, bracketing that blood area.

17 Q. And what, if any, significance does that
18 type of pattern have to you?

19 A. It just shows that there was a bloody
20 object placed against that surface and in some type
21 of a lateral motion.

22 MR. CASTELLANO: The next set of exhibits
23 will be Government's Exhibits 52 through 64, and at
24 this time the Government moves the admission of
25 Government's 52 through 64.

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1 THE COURT: Any objection from the
2 defendants?

3 MR. VILLA: No, Your Honor.

4 MR. MAYNARD: No, Your Honor.

5 THE COURT: Not hearing any objection from
6 the defendants, Government's Exhibits 52 through 64
7 inclusive and without gaps will be admitted into
8 evidence.

9 (Government Exhibits 52 through 64
10 admitted.)

11 BY MR. CASTELLANO:

12 Q. Let's look next at Exhibit 52. Can you
13 tell us what we're looking at in this exhibit?

14 A. That's going to be an image of a smear of
15 blood on the inside of the pod entrance door.

16 Q. So if we go through this door, are we
17 exiting the pod?

18 A. Entering the pod. Then you'd see it on
19 the interior side of the door.

20 Q. Just so I'm clear, this picture is of the
21 door on the inside of the pod?

22 A. Yes.

23 Q. And what's the purpose of measuring here,
24 and were you trying to capture anything else in this
25 exhibit?

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1 A. No. We were trying to capture that
2 bloodstain with the scale.

3 Q. Next is Exhibit 53. Is Exhibit 53 close
4 to Exhibit 52 on that door?

5 A. Yes, it is.

6 Q. And what, if any, significance do these
7 markings have on the door?

8 A. The upper one appears to be a partial,
9 maybe some type of a latent print, I don't know,
10 from the finger, maybe from the palm side, given its
11 linear shape.

12 Q. If it looks like something that might be a
13 fingerprint, why would that be important to you?

14 A. For any type of comparison.

15 Q. Next is Exhibit 54. What are we looking
16 at?

17 A. This is an overview image depicting the
18 trash can next to the steps.

19 Q. Why did the trash can become important to
20 you?

21 A. We had found and collected some evidence
22 from inside of it.

23 Q. Let's then turn to Exhibit 55. What is
24 this?

25 A. This is a photo image looking straight

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1 down into the trash container.

2 Q. Now, with Exhibit 55, can you tell the
3 members of the jury whether this is as you found it,
4 or had this been disturbed at any point where it was
5 found?

6 A. At this point it had been disturbed as
7 this photograph was taken.

8 Q. Okay. Can you explain that, please?

9 A. We did our overviews and documented the
10 visible evidence and then the -- I forgot the name
11 of their unit from the Corrections -- helped us to
12 search for evidence at that point. This is evidence
13 we don't know exists yet; and with the understanding
14 that as they find it to then stop and let us know so
15 we can document it. But at that point in searching,
16 items are moved from on top of it or whatever the
17 case might be.

18 Q. So when this photograph was taken, was it
19 your understanding that something may have been
20 found underneath this and the picture was taken to
21 try to show what it looked like before anything was
22 removed?

23 A. That's correct.

24 Q. Let's look at Exhibit 56. Anything of
25 significance you see at this point in the

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1 photography, number of pictures that were taken?

2 A. This is looking down. You can see part of
3 a handle of a sharp-edged instrument.

4 Q. Can you circle that for us, please?

5 A. I believe it's going to be in this area.

6 Q. Let's go ahead and turn then to Exhibit
7 57. Now, Exhibit 57 has a marker with a Number 1 on
8 it. What is the purpose of that marker?

9 A. These markers are used to identify
10 specific items of evidence we collect. This Number
11 1 identified a chip bag that we collected as
12 evidence Number 1.

13 Q. At that point in time, did the chip bag
14 seem to have some importance to you?

15 A. Yes, it did.

16 Q. What did you think was the significance at
17 that point in time?

18 A. It appeared -- the way it was placed on
19 top of that sharp-edged instrument, it appeared to
20 be placed there for concealment purposes. So it was
21 photographed and collected for the possibility of
22 latent prints or even DNA evidence on it.

23 Q. Look at Exhibit 58. What do we now see in
24 this exhibit?

25 A. Now, you can clearly see the handle of a

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1 sharp-edged instrument, so --

2 Q. I'm going to circle something that's in
3 what I would call the lower left corner of the trash
4 can in that exhibit. Have I circled what you
5 believe to be the sharp instrument?

6 A. Yes.

7 Q. And what can you tell us about that? It
8 looks like there is some string?

9 A. There was string on one end of it.
10 Opposite, the sharp point was wrapped in plastic,
11 possibly, if I remember correctly, cardboard, pieces
12 of cardboard.

13 Q. Now, looking at Exhibit 59, is that a
14 better view of the sharp instrument that was in the
15 previous exhibit?

16 A. Yes.

17 Q. And at this point it looks like it's been
18 moved; is that correct?

19 A. Yes, it has been.

20 Q. Is that so you could get a better
21 photograph of it in its entirety?

22 A. Yes, and the area that it was collected
23 from.

24 Q. And you mentioned a sharp point. I'm
25 circling at the end of that black instrument the

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1 tip. How would you describe the tip of that object?

2 A. It seems to be worked down to a point; by
3 whatever means, I don't know.

4 Q. And what did the object appear to be, in
5 terms of plastic or metal? What can you tell us
6 about that?

7 A. It appeared to be some type of a metal,
8 and that could be a hard aluminum or some type of a
9 metal like that.

10 Q. Next is Exhibit 60. There is a Number 2
11 in this exhibit, what is the Number 2 for?

12 A. It's identifying this sharp-edged
13 instrument as evidence item Number 2.

14 Q. So if you write a report, does this help
15 you remember and memorialize where items were taken
16 as pieces of evidence?

17 A. Yes, and this number will follow that item
18 if it goes to the lab and different places, so that
19 helps us track that specific item of evidence.

20 Q. In terms of the numbering, then, as you
21 indicated, is it important that the Number 2 remain
22 Number 2 throughout so you can keep track of what
23 this piece of evidence is?

24 A. Yes.

25 Q. Let's look at Exhibit 61. What is that?

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1 A. This is a photograph of the sharp-edged
2 instrument collected as Number 2, and it's placed
3 inside of a knife box, which will be packaged with
4 evidence tape.

5 Q. What's the purpose of the ruler in this
6 picture?

7 A. This will show the length of that
8 sharp-edged instrument.

9 Q. Would it be fair to say this instrument is
10 approximately 9 and a half inches?

11 A. Yes.

12 Q. Looking at Exhibit 62, what is this?

13 A. This is a close-up photograph of the
14 handle portion of the sharp-edged instrument.

15 Q. Can you tell the members of the jury
16 whether this string in the photograph is somehow
17 attached to the sharp instrument?

18 A. It appears to be taped on or wrapped in
19 with the plastic.

20 Q. Now, are you familiar with other names?
21 We've been calling it a sharp instrument. Are you
22 familiar with other names that this is called?

23 A. We refer to it as slang as a shank.

24 Q. Exhibit 63. What's the purpose of this
25 exhibit?

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1 A. This is going to be a close-up of the
2 handle of the sharp-edged instrument marked as
3 Number 2 evidence, and it's showing a scale. You
4 can see -- well, there's present some reddish stain
5 on there that appeared to be blood, so we're marking
6 that with a scale.

7 Q. If you can, please circle the stain that
8 you're referring to.

9 A. (Witness complies.) I think this was in
10 these two areas here.

11 Q. So you've made a circle between the one
12 and two-and-a-half centimeter mark and another one
13 between the three-and-a half and 5-centimeter mark
14 on that ruler; is that about right?

15 A. Yes.

16 Q. Okay. Exhibit 64. Same question. What
17 are you measuring or looking at here?

18 A. This image will be the same as the
19 previous one. Again, marking what we believe to be
20 blood on the handle of that evidence item Number 2.

21 MR. CASTELLANO: The next exhibits begin
22 with 65 through 73. At this time the Government
23 moves the admission of 65 through 73, Your Honor.

24 THE COURT: Any objection from the
25 defendants?

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1 MS. DUNCAN: No, Your Honor.

2 THE COURT: Not hearing any objection,
3 Government's Exhibits 65 through 73 inclusive
4 without gaps are admitted into evidence.

5 (Government Exhibits 65 through 73
6 admitted.)

7 BY MR. CASTELLANO:

8 Q. Agent Rhoades, let's take a look at
9 Exhibit 65. What are we looking at?

10 A. This is going to be an overview image of a
11 shower. I think the upper level, if I remember
12 correctly.

13 Q. Do you remember if this pod had an
14 upper-level shower and a lower-level shower?

15 A. I believe it did, if I remember correctly.

16 Q. Is it your recollection that this is the
17 upper-level shower?

18 A. Yes, and -- I think it was.

19 Q. Some other pictures may refresh your
20 recollection here in a second, so I'll move forward.
21 Before I do that there are some things. I'm making
22 a circle on the bottom of the shower. And can you
23 see a drain hole there?

24 A. Yes.

25 Q. What are the other items that are

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1 referenced in this picture?

2 A. You can see some pieces of plastic, pieces
3 of cardboard laying around the drain.

4 Q. Let's look at Exhibit 66. Is this now a
5 closer view of the previous exhibit?

6 A. Yes, it is.

7 Q. What are you trying to capture here?

8 A. Again, the overall image to include the
9 plastic and the cardboard. You can also see around
10 some of the plastic is a ligature of some type
11 similar to what was on the evidence item Number 2,
12 the sharp-edged instrument from the trash container.

13 Q. I'm going to circle an item in the lower
14 right-hand corner. You mentioned the term
15 "ligature." What does that refer to?

16 A. A string or a shoestring, a cord of some
17 type. Just kind of a generic term.

18 Q. And just comparing that string versus the
19 shank that was found in the trash can, did they
20 appear to be similar in nature?

21 A. Appeared to be, yes.

22 Q. Exhibit 67. This is just now a closer
23 view of Exhibit 66?

24 A. Yes, and then if you look inside one of
25 the holes in the drain, at the lower left you can

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1 see a piece of an object showing through there.

2 Q. Let's see if we can see it better in
3 Exhibit 68. Is that a better view?

4 A. Yes, it is.

5 Q. If you can circle the object you were
6 referring to.

7 A. (Witness complies.)

8 Q. If this were a clock, I'll call it the
9 circle that is about 7:00 o'clock on the clock face.
10 What's inside of that circle that you drew?

11 A. Once we're able to retrieve it, it turned
12 out to be another sharp-edged instrument.

13 Q. And when you say that, do you mean -- are
14 you referring to a shank?

15 A. Yes, a shank.

16 Q. Now, you said once you were able to
17 retrieve it. How easy or difficult was it to get
18 that out of there?

19 A. We actually had to go down through the
20 back side of the pod into a working area or crawl --
21 walk space, if you will, where the drainage -- I
22 think they have traps to catch evidence and stuff.
23 So that was dismantled, and this was collected from
24 the back side of the drain, actually.

25 Q. Looking at Exhibit 69, there is now a

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1 marker with a Number 3 on it. Is that -- did you
2 mark that for the same reason? You collected
3 evidence, you identified where it came from?

4 A. Yes.

5 Q. And Exhibit 70. Is that a closer view of
6 the items which would be labeled Exhibit 3 for your
7 purposes?

8 A. Yes. The shank was collected from here,
9 was collected as evidence item 3. The plastic, the
10 cardboard inside the shower that you're looking at,
11 was collected as evidence item Number 3A.

12 Q. Turning to Exhibit 71, what are we looking
13 at in this exhibit?

14 A. This is the back side of that shower.
15 That pipe was disconnected and then that shank was
16 retrieved from inside that pipe.

17 Q. And is that the one that we saw in the
18 shower?

19 A. Yes, it is.

20 Q. Turning to Exhibit 72, what is that?

21 A. That will be the shank in the shower.

22 Q. Exhibit 73?

23 A. This was a rope that we identified and
24 collected from cell number 105.

25 Q. And why would you have collected something

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1 like that from the cell?

2 A. We had noticed what appeared to be blood
3 saturated inside or within the rope fibers.

4 Q. I'm circling near the Number 3 on the
5 ruler you have on here at the marker 4, there is
6 something on that rope. What is that?

7 A. That's going to be what appeared to be
8 blood soaked into the fibers of that rope.

9 Q. Now, did you later learn that was or
10 wasn't blood, or is that what you suspected at the
11 time?

12 A. That's what we expected at the time.

13 Q. Had you been to this facility before?

14 A. Yes, I have.

15 Q. For what purpose?

16 A. Similar investigations.

17 Q. And have you been out there before for a
18 homicide?

19 A. Yes.

20 Q. And in the previous homicide, can you tell
21 the members of the jury whether a rope or a ligature
22 was used?

23 A. Yes. I've been on some that ligature was
24 used for strangulation.

25 MR. CASTELLANO: Turning to the next set

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1 of exhibits, Exhibits 74 through Exhibit 83 are the
2 next batch. And at this time, Your Honor, I'd move
3 the admission of 74 through 83.

4 THE COURT: Any objections from the
5 defendant?

6 MR. VILLA: No, Your Honor.

7 MS. DUNCAN: No, Your Honor.

8 THE COURT: All right. Government's
9 Exhibits 74 through 83 will be admitted into
10 evidence.

11 (Government Exhibits 74 through 83
12 admitted.)

13 BY MR. CASTELLANO:

14 Q. Turning to Exhibit 74, Agent Rhoades, what
15 are we looking at?

16 A. This is a pair of sweat pants that were
17 soaking in some water inside that sink. This is
18 cell number 111.

19 Q. If you recall, do you recall whose cell
20 was number 111?

21 A. No, I don't recall.

22 Q. What was the significance of this pair of
23 pants?

24 A. This pair of pants had what appeared to be
25 blood saturated into the fabric.

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1 Q. And since you have the Number 5 there, did
2 you collect that as evidence?

3 A. Yes.

4 Q. Turning to Exhibit 75, is this what you
5 stated as cell 111 where the pants were collected?

6 A. Yes.

7 Q. Exhibit 76. What are we looking at in
8 this exhibit?

9 A. This commode inside of cell 111 had strips
10 of plastic floating inside the water.

11 Q. And since we have the marker 6 on this
12 exhibit, what is it that you collected here?

13 A. That strip of plastic.

14 Q. Why was that significant to you at that
15 time?

16 A. It seemed consistent with the type of
17 plastic that the shanks' handle were wrapped in.

18 Q. Turning now to Exhibit 77, why have we now
19 gone back to this exhibit, if you remember -- or to
20 the trash can, I should say?

21 A. This will be the trash can from before
22 next to the steps. From further searching from the
23 correctional officers, they located another shank
24 deep further down inside of this trash container.

25 Q. I'm going to circle something that's at

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1 the tip of a plastic bottle in this exhibit. What
2 have I circled there?

3 A. That's going to be one of the ends of a
4 shank.

5 Q. And since the Number 7 is there, did you
6 collect that as Exhibit 7 for your purposes?

7 A. Yes.

8 Q. Now turning to Exhibit 78, do you remember
9 who this person is?

10 A. No, I don't.

11 Q. Do you remember why this person is dressed
12 this way?

13 A. After we had finished processing the pod,
14 then each of the inmates assigned to that pod were
15 brought into another office, one at a time, and they
16 were photographed and their clothing were collected.
17 To my understanding, this was the clothing each of
18 them were dressed in during the time of the stabbing
19 incident.

20 Q. Is that what they were asked to do, was
21 put on the clothing that they were wearing at the
22 time?

23 A. That or that remained in the...

24 Q. What's the purpose of showing the hands?

25 A. Just to show if there is any, or lack of

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1 any, blood or injuries.

2 Q. Turning to Exhibit 79, do you remember who
3 this person was?

4 A. No, I don't.

5 Q. Do you remember if the picture was taken
6 because he was one of the people in that pod?

7 A. Yes, that's correct.

8 Q. And as best as you can tell, was he
9 supposed to be wearing what he was wearing at the
10 time of the Molina murder?

11 A. That's my understanding, yes.

12 Q. Exhibit 80. Was this taken for the same
13 purpose?

14 A. Yes.

15 Q. Do you remember who this person was?

16 A. No, I don't.

17 Q. Exhibit 81. Did you know who this person
18 was?

19 A. No, I don't.

20 Q. And just so it's clear, if you were there
21 to process the scene, was it your job to interview
22 anybody?

23 A. No.

24 Q. Or was it your job to identify anybody?

25 A. No.

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1 Q. So at this point are you just identifying
2 by photographs and other ways what or who was there
3 on that occasion?

4 A. Yes. And the clothing taken from each of
5 these individuals was packaged and their name is
6 associated with it. So it's in my report, but I
7 couldn't tell you offhand who they are.

8 Q. Do you remember about what time these
9 photos were taken? What time of the day or night?

10 A. It was the early morning hours. I think
11 we actually finished around 4:30 a.m. May have
12 gotten started around 1:30, 2:00.

13 Q. So once this process started, you stay on
14 scene, then, to continue to document everything that
15 was found there?

16 A. Yes.

17 Q. Exhibit 82. Do you know anything about
18 this person other than what you documented here or
19 in your report?

20 A. No.

21 Q. Exhibit 83, same question.

22 A. No, I don't know.

23 MR. CASTELLANO: Okay. The next set is
24 Exhibits 84 through 88, and 93 through 101. The
25 Government at this time moves the admission of those

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1 two sets of exhibits.

2 THE COURT: All right. Any objection from
3 the defendants?

4 MR. VILLA: No, Your Honor.

5 MS. DUNCAN: No, Your Honor.

6 THE COURT: All right. Government's
7 Exhibits 84 through 88 and 93 through 101 inclusive
8 without gaps will be admitted.

9 (Government Exhibits 84 through 88 and 93
10 through 101 admitted.)

11 BY MR. CASTELLANO:

12 Q. Agent Rhoades, let's take a look at
13 Exhibit 84. This is another picture of the
14 bloodstains in the doorway to the pod?

15 A. Yes, it is.

16 Q. Exhibit 85. What are we looking at there?

17 A. I believe this is going to be an image of
18 one of the bloodstains inside the doorway.

19 Q. Exhibit 86?

20 A. This is going to be an image of the shank
21 collected from the shower.

22 Q. 87. Now that we have the ruler there,
23 does that help us with the dimension of that shank?

24 A. Yes, it does.

25 Q. Exhibit 88. What is that there? I'm

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1 circling an object that runs diagonally from the top
2 center to the right center of this exhibit.

3 A. You know, I haven't seen these photos. I
4 don't know. It looks like a long metal object.

5 Q. Let's take a look at Exhibit 93 next.
6 This is a photograph of what?

7 A. Looks like it's a photo of the lower
8 portion of the steps.

9 Q. So are these the steps in the pod if
10 you're walking from the top tier to the bottom tier?

11 A. It appears to be, yes.

12 Q. And Exhibit 94. I'm circling some objects
13 on the blue door. Are these maybe some of the
14 stains that you documented earlier?

15 A. Yes, this would be the interior of the pod
16 door.

17 Q. Exhibit 95?

18 A. This will be the entrance coming into the
19 pod, showing the blood.

20 Q. Exhibit 96?

21 A. It will be the same image as before except
22 taken from just outside the pod.

23 Q. Looking at Exhibit 97, can you tell us
24 what that is?

25 A. That's standing outside of that cell

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1 looking into it.

2 Q. Do you recall what number cell this was or
3 which cell it was?

4 A. No, I don't, and I can't see it on the
5 door, if it's written there.

6 Q. And what, if any, significance does this
7 puddle of water have at the bottom of the picture?

8 A. I don't know.

9 Q. So at this point, if you don't know the
10 facts, are you just documenting in case it becomes
11 important later on?

12 A. Yes. We'll document, again, as we find
13 the scene.

14 Q. I'm showing you Exhibit 98.

15 A. This is going to -- you can see the lower
16 part of the steps at the top of the photo image, and
17 it's going to be documenting some of the bloodstains
18 on the floor.

19 Q. And Exhibit 99?

20 A. That's going to be an image of the shank
21 collected from the trash can.

22 Q. Exhibit 100?

23 A. That would be a photo image of the point
24 of the shank.

25 Q. And I'll show you the shank in a little

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1 bit. But if you recall, was there anything that
2 caught your attention at the tip of this, the shank
3 in Exhibit 100? If you can't tell from the picture,
4 I'll show you the shank in a little bit.

5 A. Not to my recollection. I don't see
6 anything.

7 Q. Next is Exhibit 101?

8 A. That's a photo image of the shank.

9 Q. Now, you took some photographs of the pod.
10 I want to ask you if you recall, from being in the
11 pod, whether there were doors that connected blue
12 pod to the pod that was next door to it.

13 A. I believe there was a door on the upper
14 tier, if I remember correctly, that connected to the
15 next pod.

16 Q. If I could have the visualizer for a
17 second, please. Thank you.

18 I'm showing you what's been admitted as
19 Defendants' Exhibit E, as in echo, 17 and I'm
20 showing you also here cell 105 for reference. Now,
21 cell 105 you said was Javier Molina's cell?

22 A. Yes.

23 Q. Then you mentioned you believe there was a
24 door on the upper tier. Is this the door that you
25 were referring to?

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1 A. Yes.

2 Q. When you were taking photos at the scene,
3 did that door have any significance to you?

4 A. Not at that time, no.

5 Q. Did you document anything about that door?

6 A. No.

7 Q. And at the point you were at the scene,
8 did you have anything that pointed you to the cell
9 next door when you were investigating on March 7
10 into the hours of March 8, 2014?

11 A. No.

12 Q. I'm going to turn your attention now to,
13 if I can see the numbers, Exhibit 125 through
14 Exhibit 136. Let start there.

15 MR. CASTELLANO: Your Honor, at this point
16 I move the admission of Government's Exhibits 125
17 through 136.

18 THE COURT: Any objection from the
19 defendants?

20 MS. DUNCAN: No, Your Honor.

21 MR. VILLA: No, Your Honor.

22 THE COURT: Not hearing any objection,
23 Government's Exhibits 125 through 136 inclusive
24 without gaps are admitted into evidence.

25 (Government Exhibits 125 through 136

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1 admitted.)

2 BY MR. CASTELLANO:

3 Q. Agent Rhoades, beginning with Exhibit 125,
4 what can you tell us about what's shown in that
5 exhibit?

6 A. This is a pair of boxer shorts that had
7 been cut, and this is showing some saturated blood
8 up on the upper left.

9 Q. Do you know whose boxer shorts these were?

10 A. These were relinquished to me from Agent
11 Jonathan Butler. He was sent to the ER to collect
12 evidence from Mr. Molina.

13 Q. Why were photographs taken of this type of
14 material or these items?

15 A. We'll document any blood or types of
16 defects from clothing removed from decedents or
17 victims from these type of investigations.

18 Q. When you received the item, as you stated
19 a second ago, was it actually cut off?

20 A. At some point, yes.

21 Q. Turning to Exhibit 126, does it look like
22 where the ruler is measuring at the L -- does that
23 look like an elastic waistband?

24 A. Yes.

25 Q. So what's in Exhibit 126?

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1 A. It's -- we're documenting the bloodstains
2 saturated into that clothing with a scale.

3 Q. And do you recall on which day you
4 documented this information?

5 A. I have it in my report. It would be,
6 like, maybe the following day, possibly.

7 Q. Is your recollection, without seeing your
8 report, this is still within maybe a day or so of
9 the Molina homicide?

10 A. Yes.

11 Q. Looking at Exhibit 127, same thing. Are
12 you now in this image documenting anything that
13 might contain blood or other significance?

14 A. Yes, we are, with the scale.

15 Q. Exhibit 128, same question. Are you just
16 documenting things at this point?

17 A. Yes, we're documenting what appears to be
18 blood saturated into the fabric of those shorts.

19 Q. Turning to Exhibit 129. Still documenting
20 any evidence of blood or other material?

21 A. Yes, and this image also shows the cut in
22 the shorts.

23 Q. So for the record, between the number 7
24 and 8 on the ruler, is this the cut you're referring
25 to?

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1 A. Yes.

2 Q. All right. Turning to Exhibit 130, this
3 looks like a different type of material here. So
4 what are we looking at in this exhibit?

5 A. This is going to be now photographing a
6 suspected bloodstain saturated into a pair of sweat
7 pants. I think they may have been sweat shorts, cut
8 short.

9 Q. What was your understanding of who these
10 sweat pants belonged to?

11 A. From Javier Molina.

12 Q. Next is Exhibit 131-T. Are you once again
13 documenting any indications of blood or other
14 evidence on his clothing?

15 A. Yes, the suspected blood.

16 Q. Next is Exhibit 132. What are we looking
17 at here?

18 A. This is a T-shirt collected from Javier
19 Molina.

20 Q. I've just circled various areas on the
21 shirt. From the picture it looks like they're a
22 different color from the shirt. I just made three
23 circles on the right, bottom center, and left of
24 this item of clothing. What is that?

25 A. That's going to be what we believe to be

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1 blood saturated into the fabric.

2 Q. Let's look at Exhibit 133. Same thing.

3 What do the different colors on this clothing tell
4 you?

5 A. Again, saturated blood. And we're also
6 now documenting defects in the shirt.

7 Q. What type of defects?

8 A. Like cuts. Some are near circular, some
9 are elongated within the fabric of the shirt.

10 Q. Okay. From this exhibit, can you -- are
11 you able to make a circle around anything that you
12 just referred to as any defects?

13 A. Yes.

14 Q. Go ahead and circle those, please, or at
15 least a few examples.

16 A. (Witness complies.)

17 Q. That's toward the bottom center and then
18 toward the left you've made some circles there. And
19 what is your understanding of what you circled?

20 A. My understanding?

21 Q. Yes. What is that?

22 A. My understanding is it's holes or defects
23 made from stabbing action.

24 Q. Looking at Exhibit 134, you have another
25 measuring L, I'll call it, or ruler. What are you

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1 trying to capture there?

2 A. We're again documenting with the scale the
3 blood, but also defects in his shirt.

4 Q. Can you circle one of those defects for
5 us, please?

6 A. Above that is the Number 3 and to the left
7 of that is Number 2 on the ruler, kind of where they
8 intersect.

9 Q. Is that a hole in the shirt?

10 A. Yes.

11 Q. Turning to Exhibit 135, is this the same
12 thing? You're now measuring bloodstains and holes
13 in the shirt?

14 A. Yes.

15 Q. And 136. Do you see any other holes
16 depicted in this exhibit?

17 A. Yes, right near the L part of the scale.

18 Q. And then I'll circle an area right there.

19 A. Yes.

20 Q. Is that another hole in the shirt?

21 A. Yes.

22 MR. CASTELLANO: Okay. The next set of
23 exhibits is Exhibits 137 through 142. At this point
24 I move the admission of Government's Exhibits 137
25 through 142.

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1 THE COURT: Any objection from the
2 defendants?

3 MR. VILLA: No objection.

4 MR. MAYNARD: No, Your Honor.

5 THE COURT: Not hearing any objection,
6 Government's Exhibits 137 through 142 will be
7 admitted into evidence.

8 (Government Exhibits 137 through 142
9 admitted.)

10 BY MR. CASTELLANO:

11 Q. Turning to Exhibit 137, what are we
12 looking at there?

13 A. This is a photo image from the T-shirt.
14 And it's a larger hole.

15 Q. There also appears to be a white ring on
16 the fabric. What is that and what's its purpose?

17 A. We use that to help highlight some of the
18 defects in the shirt, just to help show their
19 position.

20 Q. Let's look at Exhibit 138. Is this the
21 shirt now laid out on the table?

22 A. Yes, it is.

23 Q. Exhibit 139. Now, you're here documenting
24 other holes and also showing the ring on there
25 indicating another hole on this piece of fabric?

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1 A. That's correct.

2 Q. Also Exhibit 140. In between the ones on
3 this exhibit, is there another hole?

4 A. Yes.

5 Q. Let's look at Exhibit 141. Now, it
6 appears in the lower right-hand corner of this
7 exhibit there is a Number 5. Do you recall where
8 you previously had a picture of some pants with a
9 Number 5 by it?

10 A. Yes, I do, in the sink in cell 111.

11 Q. What's the purpose of taking this exhibit?

12 A. This is an overview of those pair of pants
13 laid out so we could examine and photograph possible
14 bloodstains and other things on the pants.

15 Q. When you first found these pants, were
16 they dry or were they wet?

17 A. They were wet.

18 Q. And when you found them, could you tell if
19 there was anything else -- well, they were wet and
20 they were in a sink; is that correct?

21 A. Yes.

22 Q. What else do you remember seeing in that
23 sink?

24 A. There was water in the sink with kind of a
25 reddish tint to it.

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1 Q. Looking at Exhibit 142, since there is the
2 Number 5 here, are these the same pants?

3 A. Yes, they were.

4 Q. Did you have to dry these pants out before
5 you did anything else with them?

6 A. Yes, they were dried I think overnight.

7 Q. Agent Rhoades, I want to now turn your
8 attention to some of the exhibits in this case. I
9 think you testified earlier, if you had a number, it
10 was something that you had either collected or
11 otherwise documented in a report; is that correct?

12 A. Yes.

13 MR. CASTELLANO: May I approach the
14 witness, Your Honor?

15 THE COURT: You may.

16 BY MR. CASTELLANO:

17 Q. Agent Rhoades, I want to show you what's
18 been marked as Government's Exhibit 1. Can you tell
19 us what that is?

20 A. This is going to be that bag of chips that
21 was on top of the first shank in the trash can next
22 to the steps.

23 Q. Was this the exhibit that also had a
24 Number 1 by it in the photograph?

25 A. Yes, it is.

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1 Q. How do you know it's the same thing you
2 collected?

3 A. Well, it appears to be the same thing, and
4 packaged with it is a brown paper bag with my
5 evidence label on it.

6 Q. And when you first packaged it, did you
7 store that in the brown paper bag that's contained
8 within the plastic bag?

9 A. Yes. Not the plastic bag; but I collected
10 and packaged this in the brown paper bag.

11 Q. What was the purpose initially of storing
12 it in a paper bag as opposed to a plastic bag?

13 A. Evidence preservation. DNA. A plastic
14 bag will develop condensation, moisture that could
15 destroy DNA. So everything with DNA evidence is
16 packaged in paper so it can breathe, basically.

17 Q. And that plastic bag -- does it appear to
18 be in the same condition as when you collected it?

19 A. Pretty much, yes.

20 MR. CASTELLANO: Your Honor, I'd move the
21 admission of Government Exhibit 1.

22 THE COURT: Any objection from the
23 defendants?

24 MR. VILLA: No, Your Honor.

25 MS. DUNCAN: No, Your Honor.

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1 THE COURT: Not hearing any objection,
2 Government Exhibit 1 will be admitted into evidence.

3 (Government Exhibit 1 admitted.)

4 MR. CASTELLANO: And as best as I can
5 right now, I'm going to publish these to the jury,
6 if that's okay, Your Honor, using the visualizer.

7 THE COURT: You may.

8 BY MR. CASTELLANO:

9 Q. Since this was collected, are you aware
10 that it had any significance in this case other than
11 possibly covering the contents of the trash can?

12 A. Not to my knowledge, no.

13 Q. Agent Rhoades, I don't know if you have
14 gloves. Do you need gloves? I'm going to hand you
15 some other exhibits. I'm going to show you
16 Government's Exhibits 9 and 10.

17 MR. CASTELLANO: May I approach the
18 witness, Your Honor?

19 THE COURT: You may.

20 BY MR. CASTELLANO:

21 Q. Agent Rhoades, I'm going to show you what
22 have been marked as Exhibits 9 and 10. If you'll
23 begin with Exhibit 9, then I'll turn your attention
24 to Exhibit 10. Have you had a chance to look at
25 those exhibits?

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1 A. Yes.

2 Q. Can you please tell us what Government's
3 Exhibit 9 is?

4 A. 9 is going to be the sweat pants that we
5 saw in the previous photographs.

6 Q. Those are documented in the photographs?

7 A. Yes.

8 Q. And the next exhibit?

9 A. Exhibit 10 is going to be a white pair of
10 boxer shorts, again observed in the photographs
11 previously.

12 Q. And is there a paper bag contained within
13 that plastic bag for each of those exhibits?

14 A. Yes, there is.

15 Q. When you initially collected this
16 evidence, was it stored in the paper bags?

17 A. Yes.

18 Q. And for purposes of the trial, has it been
19 placed in the plastic bags so the members of the
20 jury could see it?

21 A. Yes.

22 Q. And are those the same items you collected
23 from the crime scene on or about March 7, 2014?

24 A. Yes, they are.

25 MR. CASTELLANO: Your Honor, I'd move the

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1 admission of Government's Exhibits 9 and 10.

2 THE COURT: Any objection?

3 MR. VILLA: Could we get clarification on
4 9? We've seen photos of two different sweat pants,
5 so I just want to try to clarify which ones he's
6 referring to.

7 A. These will be the gray ones collected from
8 the hospital from Mr. Molina.

9 MR. VILLA: No objection.

10 MR. MAYNARD: No objection.

11 THE COURT: Not hearing any objections,
12 the Court will admit Government's Exhibits 9 and 10.

13 (Government Exhibits 9 and 10 admitted.)

14 BY MR. CASTELLANO:

15 Q. Showing you on the visualizer Government's
16 Exhibit 9, are you able to see on this exhibit what
17 appear to be drops of blood?

18 A. Yes.

19 Q. And are those the types of things that you
20 were documenting in the photographs that the jury
21 has already seen?

22 A. Yes.

23 Q. Looking at Exhibit 10, are these Javier
24 Molina's boxer shorts that were collected?

25 A. Yes.

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1 Q. The same thing. There appear to be
2 discolorations. Is that what you believe to be the
3 blood that was on the boxer shorts?

4 A. Yes.

5 MR. CASTELLANO: Your Honor, at this time
6 I move the admission of Government's Exhibits 4 and
7 8.

8 THE COURT: Any objection from the
9 defendants?

10 MS. DUNCAN: No, Your Honor.

11 MR. MAYNARD: No, Your Honor.

12 MR. VILLA: No, Your Honor.

13 THE COURT: Not hearing any objection,
14 Government's Exhibits 4 and 8 will be admitted into
15 evidence.

16 (Government Exhibits 4 and 8 admitted.)

17 BY MR. CASTELLANO:

18 Q. I'm going to show you Exhibit 4, but if
19 you need to see it closer, please let us know. I'm
20 showing you here Government's Exhibit 4. If you
21 can, can you tell us what Exhibit 4 is or contains?

22 A. This would be the rope collected from cell
23 105 that had what appeared to be saturation of blood
24 into it.

25 Q. Now, on this exhibit there is a label on

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1 here. Can you explain that to the members of the
2 jury in terms of why it's labeled and what the label
3 is for?

4 A. That's going to coincide with the evidence
5 marker in the photographs, the Number 4.

6 Q. When it says item Number 4, when the
7 members of the jury see in Exhibit 4 in the
8 photographs, this should be the same thing?

9 A. Yes.

10 Q. I'm also showing you here -- I'm
11 indicating kind of a red spot there on the bottom of
12 this exhibit. Is that what you initially had
13 thought was possibly blood?

14 A. I believe so. I remember it being darker,
15 but that could be it.

16 Q. And when you collect this evidence, do you
17 then put the stickers on it for purposes of future
18 identification?

19 A. Yes, they'll have our case number, who it
20 was collected by, the date, time, things like that.

21 Q. The white label on this exhibit -- is this
22 your label?

23 A. Yes, it is.

24 Q. I'm going to now refer you to a yellow
25 label on there that says "Northern Forensic

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1 Laboratory." Do you know where that label comes
2 from?

3 A. That's their label.

4 Q. And if you know from working with them,
5 what's the purpose of the forensic laboratory having
6 its own label?

7 A. They have their own numbering system that
8 they use to identify and track evidence that they've
9 analyzed.

10 Q. Looking now at Exhibit -- Government's
11 Exhibit Number 8, what are we looking at in this
12 exhibit?

13 A. That's the --

14 Q. And I'll show you the label here, if it
15 helps.

16 A. That's going to be the T-shirt that we
17 examined from Mr. Molina -- collected from him, that
18 has what appears to be a lot of saturated blood and
19 the defects that appear to be from a shank or a
20 stabbing motion.

21 Q. This item is labeled JM-1 where it says
22 item number. Are you able to see that?

23 A. Yes.

24 Q. What was the purpose of labeling the items
25 like this with the letters and a number?

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1 A. It helps us to identify who it was
2 collected from. In this case, JM would indicate or
3 be consistent with Javier Molina.

4 Q. If you had collected other items from
5 Javier Molina would they then be numbered JM-2, -3,
6 and -4?

7 A. Yes.

8 THE COURT: Mr. Castellano, would this be
9 a good time for us to take our lunch break?

10 MR. CASTELLANO: Yes, sir.

11 THE COURT: We're going to break a little
12 early today. Mr. Perez is going to run over to see
13 the doctor. So we may have a little bit of an
14 extended lunch break. So if you've been wanting to
15 try a restaurant and didn't think you had enough
16 time, or run some errands, go ahead and do that.
17 We'll shoot for being back in an hour but if you
18 come back, you may be waiting. So we'll wait for
19 everybody. Have a good lunch.

20 All rise.

21 (The jury left the courtroom.)

22 THE COURT: All right. Y'all have a good
23 lunch. We'll shoot for an hour, but it may take
24 longer.

25 (The Court stood in recess.)

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1 MS. FOX-YOUNG: Your Honor, can we make a
2 brief record before the jury comes in?

3 THE COURT: Why don't you wait till Mr.
4 Baca gets in?

5 MR. MICKENDROW: We're waiting for two
6 more defendants, Your Honor, Baca and Herrera.

7 THE COURT: All right.

8 Mr. Villa. We'll go on the record.

9 MR. VILLA: Thank you, Your Honor. Mr.
10 Perez has returned from the hospital. I haven't
11 been able to look at all of the paperwork, because I
12 guess it's the United States Marshal's policy that I
13 can't. So I would ask Mr. Mickendrow to provide
14 more information.

15 From what I understand, Mr. Perez had a
16 fever of 101.6. He had a chest x-ray that the
17 doctors were concerned about. He was given five
18 different prescriptions, given a little bit of apple
19 juice. He still hasn't eaten since Saturday.

20 I would ask that the Court delay the trial
21 until tomorrow and we see how Mr. Perez is doing.
22 Some of the prescriptions that he's been given by
23 the doctor have not been filled yet. I understand
24 the marshals are going to work to get those filled.
25 But I think he's got to be competent and got to be

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1 able to assist counsel, and he's having a very
2 difficult time. This morning he was having trouble
3 staying awake, having trouble concentrating. Had a
4 very large, pounding headache, he was telling me.
5 So I think in support of this request, I'd ask Mr.
6 Mickendrow to provide whatever additional
7 information he has from Mr. Perez' paperwork.

8 THE COURT: Do you have any additional
9 information?

10 MR. MICKENDROW: I think Mr. Villa summed
11 it up well. They were just concerned about the
12 chest x-ray. They did the flu test. It came back
13 negative for the flu. But they said it's possible
14 that if they didn't catch it early, it would have
15 progressed into the flu. So they did give five
16 different prescriptions. They want him on a
17 nebulizer both morning and evening. And he'll have
18 an inhaler here in court after that, and then he's
19 on antibiotics, as well as a couple of allergy
20 medications to try and clear up the drainage that's
21 going on. So hopefully, that will clear up the
22 chest issue.

23 THE COURT: Thank you. Sounds like he's
24 doing better, doesn't have the flu, doesn't have
25 pneumonia. So I think we better plow ahead. If he

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1 runs into problems, alert the Court and we'll --

2 All rise.

3 MS. FOX-YOUNG: Your Honor, I have one
4 exhibit that I'd like to move into evidence before
5 the jury comes out. I probably could do it in 10
6 seconds, or I can do it at another break.

7 THE COURT: Let's do it at another break.

8 (The jury entered the courtroom.)

9 THE COURT: All right. Everyone be
10 seated.

11 Mr. Rhoades, I'll remind you that you're
12 still under oath.

13 Mr. Castellano, if you wish to continue
14 your direct examination of Mr. Rhoades, you may do
15 so at this time.

16 MR. CASTELLANO: Thank you, Your Honor.

17 THE COURT: Mr. Castellano.

18 BY MR. CASTELLANO:

19 Q. Agent Rhoades, I'm going to show you what
20 has been marked as Government's Exhibits 2, 3 and 7.

21 MR. CASTELLANO: May I approach, Your
22 Honor?

23 THE COURT: You may.

24 BY MR. CASTELLANO:

25 Q. I'm going to give you 2 and 3 and I'll

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1 also give you Exhibit 7. Agent Rhoades, let me have
2 you look at those briefly, and I'll ask you if you
3 can tell us if you know what's contained within
4 those boxes. And as you're talking about each one,
5 please tell us the exhibit number you're looking at.

6 A. On the box marked Exhibit 7, which will be
7 my item number 7, it's going to be a box containing
8 one of the shanks collected from the pod.

9 Q. And if you remember, where was that shank
10 collected?

11 A. This one was collected further down into
12 the common area, trash container.

13 Q. So if you recall, there is a photograph,
14 and it almost looked like there was a piece of metal
15 coming out of a plastic drinking bottle?

16 A. Yes.

17 Q. Is that the one that would be referenced
18 in Exhibit 7?

19 A. Yes, it is.

20 Q. And please turn to Exhibit 2.

21 A. Okay. Exhibit 2 is going to be my
22 evidence Number 2 and it's going to be a shank that
23 was collected from the common area of the trash can
24 inside the common area, and it's going to be the one
25 that was underneath the chip bag.

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1 Q. And the jury looked at the layers of the
2 trash. This is the shank that was on top; or the
3 higher-up shank, I should say?

4 A. Yes, it is.

5 Q. Please turn to the next exhibit.

6 A. Exhibit Number 3 is going to be my
7 evidence number 3 and this is going to be the shank
8 that was collected from the upper shower in the
9 drain.

10 Q. And let me have you open those and take a
11 quick look at them to see if they are in the same or
12 substantially similar condition as when you
13 retrieved them or collected them.

14 A. Number 7 will be the same, Number 2 will
15 be the same, and Number 3 will be the same.

16 MR. CASTELLANO: Your Honor, at this time
17 we'd move the admission of Government's Exhibits 2,
18 3, and 7.

19 THE COURT: Any objection from the
20 defendants?

21 MS. DUNCAN: No, Your Honor.

22 MR. VILLA: No, Your Honor.

23 MR. MAYNARD: No, Your Honor.

24 THE COURT: Not hearing any objection,
25 Government's Exhibits 2, 3, and 7 will be admitted

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1 into evidence.

2 (Government Exhibit 2, 3, and 7 admitted.)

3 MR. CASTELLANO: May I publish those to
4 the jury over the visualizer here?

5 THE COURT: You may.

6 BY MR. CASTELLANO:

7 Q. Agent Rhoades, I'm showing you
8 Government's Exhibit 2. I'm going to open up the
9 contents of the box here. I'm showing you the shank
10 here in Government's Exhibit 2. Can you see the top
11 of that exhibit where it's pointed? Do you see
12 where there looks like something like thread on
13 there?

14 A. Yes, looks like threading.

15 Q. And also contained in the exhibit is
16 something -- you may recall this from earlier --
17 pieces of plastic and a string?

18 A. Yes.

19 Q. I'm now showing you Government's Exhibit
20 3. Now, based on the way this is shaped, do you
21 recall which shank this was?

22 A. This would be from the shower, the drain
23 in the shower.

24 Q. Next I'm going to show you Government's
25 Exhibit 7. Was this the other piece that was in the

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1 bottom of the trash can, if you recall?

2 A. Yes, it is.

3 Q. And can you see on here some sort of
4 threading at the end of this metal also?

5 A. Yes.

6 Q. Now, in the picture there is a plastic
7 bottle. Can you tell the members of the jury
8 whether the bottle in this box was the bottle
9 depicted in that photograph?

10 A. Yes, it is.

11 Q. And what can you tell us about the paper
12 towels on the inside of the bottle?

13 A. I didn't pull any of those out. It was
14 collected as is. So it just appeared like it's
15 paper towels.

16 Q. So this is as you found it?

17 A. Yes.

18 Q. I'm going to ask you: Recently you were
19 asked to look at a shoe belonging to Mario
20 Rodriguez?

21 A. Yes.

22 Q. And did you know, when you were looking,
23 what you were looking for?

24 A. Yes, I did.

25 Q. What did you believe you were looking for?

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1 A. A shank.

2 Q. Now, can you tell the members of the jury
3 when you collected items on March 7 and 8 of 2014,
4 whether that included items, personal items,
5 belonging to people in the pod?

6 A. Yes, it was.

7 Q. And did that include their clothing and
8 their shoes?

9 A. Yes.

10 Q. I'm going to show you what have been
11 marked as Exhibits 746 and 746-A.

12 MR. CASTELLANO: May I approach, Your
13 Honor?

14 THE COURT: You may.

15 BY MR. CASTELLANO:

16 Q. Turn first to Exhibit 746. Can you tell
17 us what that is?

18 A. Exhibit 746 is going to be the right
19 Reebok shoe collected from Mario Rodriguez's
20 clothing.

21 Q. And until recently, did you have any
22 reason to look any closer at that shoe?

23 A. No.

24 Q. And what did you do with that shoe?

25 A. Initially, along with the rest of the

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1 articles of clothing, it was relinquished into the
2 evidence vault at the State Police office.

3 Q. And had it been sitting in the vault from
4 the time it was seized up until more recently?

5 A. Yes.

6 Q. And recently what did you do with that
7 shoe once you heard something about a shank?

8 A. I searched -- I wasn't initially told
9 which shoe, so I took both the left and the right,
10 and began searching for a shank within the cloth
11 portion of the back of the shoe, where I understood
12 it was located.

13 Q. And how easy or difficult was it to search
14 for any items contained within?

15 A. The cloth portion wasn't too difficult. I
16 was able to cut it with a knife. The sole part of
17 rubber was more difficult, with a knife, to cut into
18 and look.

19 Q. And as a result of your searching, did you
20 eventually find something in that shoe?

21 A. Yes, I did.

22 Q. How were you able to find that item?

23 A. I took an electronic saw and just started
24 dicing through it. So when I cut down through the
25 heel of the right shoe, then I hit the metal shank.

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1 Q. And let me turn your attention to Exhibit
2 746-A. You've used the term "shank." Can you tell
3 the members of the jury whether what's contained in
4 746 is what you found within the shoe?

5 A. 746-A is the shank that was found and
6 collected from the shoe.

7 MR. CASTELLANO: Your Honor, I'd move the
8 admission of Government's Exhibits 746 and 746-A, as
9 in alpha.

10 THE COURT: Any objection from the
11 defendants?

12 MR. VILLA: No, Your Honor.

13 THE COURT: Not hearing any objections,
14 Government's 746 and 746-A will be admitted into
15 evidence.

16 (Government Exhibits 746 and 746-A
17 admitted.)

18 BY MR. CASTELLANO:

19 Q. If you can for the members of the jury,
20 please pull the shoe out of the bag, 746, give a
21 quick look at the shoe, and tell them what you did.

22 A. So what I did -- it's in several pieces.
23 Initially I cut off and through the cloth portion of
24 the shoe. And then I went with the electric saw,
25 and then I cut through the back part of shoe. And

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1 that's where I -- the saw hit part of that metal
2 shank sticking out. It was actually embedded in
3 this way. And right above that gray color tab you
4 can see.

5 MR. CASTELLANO: May I approach the
6 witness, Your Honor, to retrieve the exhibits?

7 THE COURT: You may.

8 BY MR. CASTELLANO:

9 Q. Agent Rhoades, how many times did you have
10 to search this shoe to find the contents?

11 A. Twice.

12 Q. What happened the first time you searched?

13 A. The first time, I understood that it was
14 in the cloth in the back part of it. So that's when
15 I cut it with a knife. And then I observed in some
16 of the tabs some holes in it, so then I attempted to
17 cut through and did cut through part of that, but I
18 did not see anything.

19 The second time is when I took the -- I'd
20 learned more about where it was located, so then I
21 took an electric saw and cut down straight through
22 the back of the shoe, and that is when I discovered
23 it.

24 Q. Was that on two different dates or
25 occasions?

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1 A. Yes.

2 Q. I'm going to show you the content of the
3 box which is 746-A, and I'll ask you if that's what
4 you found inside the shoe.

5 A. Yes, it is.

6 MR. CASTELLANO: Your Honor, at this time
7 I may have more questions of this witness. I think
8 the defense has agreed to let us put on Dr.
9 Kastenbaum out of order. She has to be somewhere
10 tomorrow. So I think with the Court's permission
11 and counsel's, we'll have Agent Rhoades come off the
12 stand and we'll have Dr. Kastenbaum testify.

13 THE COURT: Is that acceptable to the
14 defendants?

15 MR. VILLA: Yes, Your Honor.

16 THE COURT: All right. Mr. Rhoades,
17 you'll need to stay outside of the courtroom until
18 you're called back in to testify. Thank you for
19 your testimony.

20
21 (Break in testimony; resumption on same day.)
22
23
24
25

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1 MR. CASTELLANO: Your Honor, we're
2 re-calling Agent Rhoades at this point.

3 THE COURT: All right. Mr. Rhoades, if
4 you'll come up and return to the witness box.

5 Mr. Rhoades, I'll remind you you're still
6 under oath.

7 All right, Mr. Castellano, if you wish to
8 continue your direct examination of Mr. Rhoades, you
9 may do so at this time.

10 MR. CASTELLANO: May I have a moment, Your
11 Honor?

12 THE COURT: You may.

13 MR. CASTELLANO: I was just checking my
14 exhibits. At this point I pass the witness.

15 THE COURT: Thank you, Mr. Castellano.
16 Mr. Jewkes, are you going to -- Ms. Jacks?

17 MS. JACKS: I'm going to do it, Your
18 Honor.

19 THE COURT: All right, Ms. Jacks.

20

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1 NORMAN RHOADES,
2 after having been previously duly sworn under
3 oath, was questioned and continued testifying as
4 follows:

CROSS-EXAMINATION

6 | BY MS. JACKS:

7 | Q. Good afternoon, Mr. Rhoades.

8 A. Good afternoon.

9 Q. I want to start by asking you some
10 questions about the shoe that you found the shank
11 in, the shoe that you had to cut out -- I think
12 that's Exhibits 746 and 746-A. When did you perform
13 that analysis, or when did you start?

14 A. When I actually started to cut in the shoe
15 I think was the 24th or 25th of January.

Q. So just a few days ago? Last week?

17 A. A week or so, yes.

18 Q. And the first time you examined the shoe,
19 you were looking for some sort of shank in it and
20 you couldn't find it?

21 A. Yes.

22 Q. Then you went back the same day or a
23 different day?

24 A. It was the next day.

25 Q. So the 25th of January?

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1 A. Yes, I think it was the days -- and it's
2 on the evidence labels -- I believe it was the days
3 of the 24th and 25th.

4 Q. And I want to ask you some questions about
5 the video surveillance at Southern New Mexico
6 Correctional Facility. When you went out the
7 evening of the Molina homicide, did you notice that
8 there were video cameras?

9 A. Yes. And I'm aware that they are, whether
10 they work or not sometimes.

11 Q. I'm sorry?

12 A. Whether they're working or not, I know
13 that there are surveillance cameras each time that
14 I've gone out in the past.

15 Q. Okay. In B pod, the pod where the Molina
16 homicide occurred, how many cameras were in that
17 unit?

18 A. I don't know. It could have been two, but
19 I couldn't say for sure.

20 Q. Is there anything you could review that
21 might help refresh your memory?

22 A. It would just be the overall photographs
23 that we took of inside the pod.

24 Q. You say you think there may have been two.
25 Is that because you recall seeing video footage from

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1 two cameras?

2 A. I really didn't have anything to do with
3 the video part of it.

4 Q. That's actually where I was going to go.
5 When you were out there taking photographs and
6 documenting the situation with the crime scene, you
7 did notice that there were video cameras; right?

8 A. Yes.

9 Q. And did you ask anybody which cameras
10 were -- which, if any, cameras were operational that
11 day?

12 A. No, I didn't.

13 Q. And did you make any effort to recover any
14 of the video footage from those cameras at or around
15 the time of the homicide?

16 A. I did not, no.

17 Q. Did you make any inquiry about any other
18 sort of video? For example, how long the video
19 might have been stored or whether there was video
20 from other pods?

21 A. No. Really, anything dealing with the
22 video was assigned to other agents.

23 Q. Okay. Other agents from the New Mexico --

24 A. State Police.

25 Q. -- State Police. Okay. Exhibits 2, 3 and

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1 7 are actually items that you booked into evidence;
2 right?

3 A. Yes.

4 Q. And those are potential weapons you
5 recovered the night of the Molina homicide from B
6 pod?

7 A. Yes.

8 Q. Did you talk to anybody about a possible
9 source of where those weapons or potential weapons
10 could have come from?

11 A. No.

12 Q. Did anybody -- did you interview anybody
13 at the prison regarding what's called the wheelchair
14 program where inmates refurbish wheelchairs and
15 walkers for charity?

16 A. No, I did not.

17 Q. Are you aware that such a program exists?

18 A. No.

19 Q. Are you aware if such a program existed
20 back in March of 2014?

21 A. No.

22 MS. JACKS: Thank you. I don't have
23 anything further.

24 THE COURT: Thank you, Ms. Jacks.

25 Anyone else wish to ask questions? Go

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1 ahead, Mr. Maynard.

2 MR. MAYNARD: Just a couple of questions.

3 THE COURT: Certainly, Mr. Maynard.

4 CROSS-EXAMINATION

5 BY MR. MAYNARD:

6 Q. Mr. Rhoades, I take it from the answers to
7 the questions just a moment ago, did you make any
8 inquiry into the operation or records of cameras in
9 any of the adjoining pods?

10 A. No, I did not.

11 Q. No? Okay. And to your knowledge, no
12 camera footage was ever preserved from the other
13 pods?

14 A. I'm not aware of anything, no.

15 MR. MAYNARD: No questions.

16 THE COURT: Thank you, Mr. Maynard.

17 Mr. Villa.

18 CROSS-EXAMINATION

19 BY MR. VILLA:

20 Q. Good afternoon, Agent Rhoades.

21 A. Good afternoon.

22 Q. Let me take you back to Exhibit 74. Do we
23 have those? And that's Exhibit 74. And I think it
24 was your testimony that these pants were in a sink
25 in cell 111; correct?

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1 A. Yes.

2 Q. And I can't remember if you testified if
3 you knew whose cell was cell 111.

4 A. I could not recall, no.

5 Q. Does it refresh your recollection that the
6 cell was Mario Rodriguez' cell?

7 A. I don't know.

8 Q. And those are the pants that you saw, and
9 ultimately found some blood on those pants; correct?

10 A. Yes.

11 Q. Did you do any testing of the blood?

12 A. No, I did not.

13 Q. You just turned that over to the lab?

14 A. All the evidence was relinquished to
15 then-Agent Palomares, who was the lead on that case.
16 And so from me to him, and then he would facilitate
17 anything being sent to the lab.

18 Q. So let me take you to Government's 79.

19 This is a photograph that you took of one of the
20 individuals inside blue pod; correct?

21 A. Agent Casson actually took the photo. I
22 was present when it was taken.

23 Q. And do you know this individual to be
24 Mario Rodriguez?

25 A. I don't know. These photos were not taken

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1 in the blue pod. Actually, they were taken in an
2 office somewhere else in the facility.

3 Q. Did you take the individuals over to this
4 office?

5 A. No.

6 Q. Do you know how they got there?

7 A. They were escorted by correction officers.

8 Q. And is it true that everybody in the pod
9 got escorted by corrections officers?

10 A. Yes.

11 Q. So let me show you Government's 586. Does
12 that look like the same individual who was in the
13 photograph I just showed you, Government's 79?

14 A. Looks similar, yes.

15 Q. And this picture, which has already been
16 admitted as evidence, indicates that this individual
17 is Mario Rodriguez?

18 A. Yes.

19 Q. So do you now remember that the individual
20 who Agent Casson photographed while you were present
21 in Government's 79 is Mario Rodriguez?

22 A. I could say it looks similar to him, yes.

23 Q. And you're saying that based on the photos
24 you're seeing, not necessarily your memory from that
25 night?

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1 A. Yes.

2 Q. So I'll talk to you about the shoe you
3 collected that you found the shank in. That just
4 occurred, say, a month ago; is that right?

5 A. About a month, yes.

6 Q. And the reason you looked into that shoe
7 is because you got information there might be a
8 shank in the shoe?

9 A. Yes.

10 Q. And you knew that the shoe had been taken
11 from Mario Rodriguez; right?

12 A. Yes.

13 Q. It took you a couple of times, but
14 ultimately you got into the shoe and you took out
15 that shank that you recovered that the jury got to
16 see just a minute ago?

17 A. Yes.

18 Q. Were you told to look in Mario Rodriguez'
19 shoe for the shank, were you given any reason why
20 you were looking at it?

21 A. Just to recover and document a shank that
22 was hidden in a shoe.

23 Q. Did you recognize that shank as what is
24 often called an icepick?

25 A. I really didn't make any similarities to a

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1 specific object other than a piece of metal.

2 Q. I think was it your -- I may be going too
3 far. Let me know. Was it your testimony that that
4 piece of metal appeared similar to, like, metal from
5 a fence or a gate?

6 A. I don't think that was my testimony.

7 Q. Okay. Other than the shanks that we've
8 talked about today, we saw three boxes that you
9 recovered from the blue pod and the one you
10 recovered from Mario Rodriguez's shoe. Did you
11 recover any more shanks from the blue pod?

12 A. No.

13 Q. Did you look for any more shanks from the
14 blue pod?

15 A. I did. Primarily the correctional
16 officers -- they have a specialized unit -- assisted
17 in searching blue pod.

18 Q. Is that the STIU, or the Security Threat
19 Investigation Unit?

20 A. Yes, I think that's it.

21 Q. While you were there, were you made aware
22 of the discovery of any other shanks?

23 A. No.

24 Q. I'm going to take you to Government's 22,
25 please. This is one of the photos you took of blue

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1 pod that you talked about in your direct testimony;
2 correct?

3 A. Yes, it is.

4 Q. And I'm going to circle here cell 115. Do
5 you see that there?

6 A. Yes.

7 Q. Now, I'll represent to you there has been
8 in court testimony that Mr. Perez was in this cell
9 at the time of the Javier Molina killing. Were you
10 ever made aware of that?

11 A. No, I was not.

12 Q. Did you ever take any photographs inside
13 cell 115 for any reason?

14 A. There were photographs taken, just
15 overviews, inside the cells that the doors were
16 open. And I don't recollect any specific
17 photographs other than that being taken in cell 115.

18 Q. In cell 115 were you ever asked to take as
19 evidence a walker?

20 A. No.

21 Q. Did you photograph a walker?

22 A. Not to my knowledge, no.

23 Q. Did you see a walker in there?

24 A. No.

25 Q. At any point in the course of your

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1 investigation at Southern New Mexico, did you ever
2 see a walker?

3 A. No.

4 Q. Were you ever asked to photograph a
5 walker?

6 A. No.

7 Q. Were you ever asked to take as evidence a
8 walker?

9 A. No.

10 MR. VILLA: Okay. If we could clear the
11 screen, please.

12 Q. Did you ever determine whether any of the
13 surveillance video had an angle into room 115?

14 A. No.

15 Q. Were you provided any information about
16 how the pieces of metal shanks that you found in the
17 trash can or the shower drain -- how they got there?

18 A. No, I was not.

19 Q. So you don't know who put the shank into
20 the shower drain?

21 A. No.

22 Q. Or the trash can?

23 A. No.

24 Q. Let me take you back to Government's
25 Exhibit 82. Do you know that to be a photograph of

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1 Mr. Perez, Rudy Perez?

2 A. No. When I reviewed this, I don't -- I
3 can't put a name to him.

4 Q. Okay. And I just want to make sure it's
5 clear, because we haven't seen all the photos. But
6 photographs were taken of everybody who was in that
7 pod?

8 A. Yes.

9 Q. Regardless of whether they were suspected
10 to be involved in the crime or not?

11 A. Yes.

12 Q. And belongings were taken from all the
13 individuals in the pod; correct?

14 A. Yes.

15 Q. When I say "belongings," I mean personal
16 belongings, like clothing.

17 A. The clothing that they wore into this
18 office that were photographed, they were collected.

19 Q. So it didn't matter if you thought they
20 were actually involved in Mr. Molina's killing; you
21 wanted to collect everybody's clothing that they
22 were wearing to see if there was any evidence on
23 there?

24 A. That's correct.

25 Q. And photograph everybody that was in the

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1 pod?

2 A. Yes.

3 Q. There was a video that was recovered by
4 Agent Palomares that the jury has seen showing the
5 attack on Mr. Molina. Did you ever watch that
6 video?

7 A. I watched it that night in one of their
8 offices, just a fast real-time, and this was the
9 only time that I've seen that video.

10 Q. Were you ever given information about who
11 the individuals were on the video?

12 A. No.

13 Q. You knew who Mr. Molina was?

14 A. The victim, yes.

15 Q. And the individuals who are seen on the
16 video actually attacking Mr. Molina -- were you
17 provided information about who they were?

18 A. No.

19 Q. I'm going to take you back quickly to 749,
20 the pants in the sink of cell 111. There were some
21 photos we see later of the same pants out to dry;
22 correct?

23 A. Yes.

24 Q. And I noticed that those pants weren't
25 introduced by the Government during your testimony;

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1 is that correct?

2 A. That's correct.

3 Q. The actual physical pants themselves?

4 A. Yes, that's correct.

5 Q. But you took custody of those pants;
6 correct?

7 A. Yes.

8 Q. And you still have them?

9 A. Yes.

10 Q. Do you have them here with you today?

11 A. No.

12 Q. Are they back at the evidence room?

13 A. Yes, at the State Police office.

14 Q. And are you familiar with everything
15 that's in the evidence room with respect to this
16 case?

17 A. I don't have it all memorized, but we have
18 the evidence custody list that I can refer back to.

19 Q. And you would agree with me that nowhere
20 in that evidence room is a walker?

21 A. Not that I had anything to do with, no,
22 and I'm not aware of one.

23 Q. You haven't seen one in there related to
24 this case?

25 A. Right. Well, I don't go into the evidence

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1 vault. The evidence custodian will do that. But
2 I'm not aware of a walker being inside there.

3 Q. Was it the Government that asked you which
4 items to bring here today?

5 A. Yes.

6 Q. And so the Government didn't ask you to
7 bring the pants that were found in cell 111 that had
8 blood on them?

9 A. No.

10 Q. Did they tell you not to bring them?

11 A. No.

12 MR. VILLA: May I have just a moment?

13 THE COURT: You may.

14 BY MR. VILLA:

15 Q. Agent Rhoades, the shank that was
16 recovered from Mario Rodriguez's shoe just a month
17 or so ago -- did you do any forensic testing on that
18 shank?

19 A. I did not, and I don't believe it was ever
20 submitted to the lab.

21 Q. When it gets submitted to the lab, you
22 know that they can, for instance, swab it for DNA?

23 A. Yes.

24 Q. And the DNA might reveal who touched it or
25 if there is blood on it or things like that?

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1 A. Yes.

2 Q. But you didn't do that?

3 A. No.

4 Q. And as far as you know, nobody else did
5 that?

6 A. That's correct.

7 Q. So you just found it in the shoe, put it
8 in the box that's been admitted as part of the
9 evidence, and that's it?

10 A. Relinquished it to the evidence vault
11 under Agent, now Sergeant, Palomares' evidence.

12 MR. VILLA: No more questions, Your Honor.

13 THE COURT: Thank you, Mr. Villa.

14 Mr. Lowry?

15 CROSS-EXAMINATION

16 BY MR. LOWRY:

17 Q. Just a quick follow-up on that forensic
18 question. Do you have any evidence whatsoever,
19 photographic or anything, from what you reviewed at
20 the scene to indicate that that shank taken out of
21 the tennis shoe is related to the Molina case?

22 A. No, I don't.

23 MR. LOWRY: No further questions, Your
24 Honor.

25 THE COURT: Thank you, Mr. Lowry.

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1 Mr. Castellano, do you have redirect of
2 Mr. Rhoades?

3 MR. CASTELLANO: Yes, Your Honor.

4 THE COURT: Mr. Castellano.

5 MR. CASTELLANO: May I approach the
6 witness, Your Honor?

7 REDIRECT EXAMINATION

8 BY MR. CASTELLANO:

9 Q. Agent Rhoades, I'm showing you what's been
10 marked as Government's Exhibit 5.

11 A. Oh, okay.

12 Q. Do you recognize that exhibit?

13 A. Yes, I do.

14 Q. What is this?

15 A. That is the green sweat pants.

16 Q. Is that exhibit available to the defense
17 if they want to introduce it today?

18 A. Yes, it is.

19 Q. And all the other evidence collected in
20 this case -- is that available to the defense if
21 they want to move its admission at trial?

22 A. Yes, it is.

23 Q. And if they ask you to bring it, are you
24 willing to bring any of those items for the defense?

25 A. Yes.

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1 Q. And they asked you questions about
2 follow-up. Was your job to do anything other than
3 process the scene on that occasion?

4 A. No.

5 MR. CASTELLANO: I pass the witness, Your
6 Honor.

7 THE COURT: All right. Thank you, Mr.
8 Castellano.

9 All right. Mr. Rhoades, you may step
10 down.

11 Is there any reason that Mr. Rhoades
12 cannot be excused from the proceedings, Mr.
13 Castellano?

14 MR. CASTELLANO: No, Your Honor.

15 THE COURT: From the defendants'
16 standpoint, can Mr. Rhoades be excused?

17 MR. VILLA: Yes, Your Honor.

18 MR. MAYNARD: Yes, Your Honor.

19 MR. LOWRY: Yes, Your Honor.

20 MS. JACKS: Yes.

21 THE COURT: All right. You're excused
22 from the proceedings. Thank you for your testimony.

23

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5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 15th day of March, 2018.

13

14

J

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